



ORDER BELOW EXH.1

1. The application is filed under section 457 of the Criminal Procedure Code by applicant Tanaji Shivram Kondalkar, for the return of property i.e. Maruti Suzuki Eco Car bearing registration number MH 01 9489 Chassis no. MA3ERLF1S00286780 and Engine no. G12BN262856 lying in custody of Khalapur Police Station in C.R.No. 331 of 2022 under section 394, 379 r/w 34 of the Indian Penal Code.
2. It is contended by the applicant that the said vehicle is seized by the Khalapur Police Station from the accused. According to him, the said vehicle is lying in the custody of Khalapur Police Station. He needs the vehicle for his day-to-day work. He further stated that he is registered owner of seized vehicle, it will be proper to return vehicle to him. If it is not return to him, he will suffer heavy loss as there is chance of damage of the vehicle. Therefore, he prayed for the return of the vehicle. He further agreed to abide the terms and conditions imposed by the Court.
3. The say of the I.O and learned A.P.P was called. In the say it is stated that if vehicle returned to applicant he will sell the vehicle. He will not produce the vehicle at the time of evidence. Further is submitted that accused will use the vehicle for same type of offences. Lastly they requested to reject the application.
4. Heard both the sides. Perused the application and documents filed along with it. The application is supported by the affidavit of the applicant.



The applicant has filed copy of report lodge to the police station regarding lost of R.C. Book at Exh.10, certified copy of his Aadhar card at Exh.09.

5. The documents on record prima facie shows that vehicle is owned by applicant. Moreover, the A.P.P. for the state and I.O. has no dispute about the ownership of the vehicle. Further there is no other claimant of the aforesaid vehicle other than the applicant. It will be useless to keep the vehicle in the police station. Therefore, I am of the opinion that, it will just and proper to return the said vehicle which is seized in C.R. No. 331/2022 of Khalapur Police Station, to applicant on certain condition. Hence, I pass following order :-

ORDER

1. Application is allowed.
2. The seized vehicle bearing registration number MH 01 BF 9489 Chassis no. MA3ERLF1S00286780 and Engine no. G12BN262856 be given in the custody of the applicant on his executing indemnity bond of Rs. 5,00,000 /- (Rs. Five lacs only) on following conditions:
 - a. That applicant shall not alienate or create any charge in any manner on the aforesaid vehicle till final decision of CR. No. 331/2022 of Khalapur Police Station,
 - b. That the aforesaid vehicle should be kept as it is in it's nature should not be changed in any way.
 - c. The applicant shall undertake that he will not use and allow any person to use the said vehicle for any kind of crime.
 - d. That the same shall be produced as and when directed either

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by Court or by Investigating officer.

- e. The I.O. is directed to prepare panchanama of the vehicle and take photographs of vehicle from each side at the cost of applicant and submit before court.

Place: Khalapur

Date : 11.11.2022

(R.D. Wabale)

Judicial Magistrate, F.C., Khalapur.

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CERTIFICATE

I affirm that the contents of this PDF file Judgment/Order are same word to word as per the original Judgment/Order.

(a) Name of the Stenographer : M. S. Shirgire, Steno. (L.G.)

(b) Court : Shri. R. D. Wabale

C.J.J.D. & J.M.F.C., Khalapur

(c) Date of Judgment/Order : 11/11/2022

(d) Judgment/Order signed by the
Presiding Officer on : 11/11/2022

(e) Judgment/Order uploaded on : 11/11/2022